



1997 ASSEMBLY BILL 349

May 6, 1997 - Introduced by Representative UNDERHEIM, by request of Dr. Albert L. Fisher. Referred to Committee on Government Operations.

1 **AN ACT to amend** 655.001 (8) and 655.002 (1) (intro.); and **to create** 655.002 (3)
2 of the statutes; **relating to:** health care liability, the patients compensation
3 fund, the mediation system and granting rule-making authority.

Analysis by the Legislative Reference Bureau

The health care liability provisions of the statutes require certain health care providers to carry health care liability insurance with liability limits of at least \$400,000 for each occurrence and at least \$1,000,000 for all occurrences in a policy year. Any portion of a medical malpractice claim that exceeds the policy limits is paid by the patients compensation fund for health care providers that are subject to the health care liability provisions. Money for the fund comes from annual assessments paid by those health care providers.

The mediation system under the health care liability provisions of the statutes also affects health care providers that are subject to the provisions. Any person who has a medical malpractice claim against a health care provider subject to the provisions may, and any person who files a medical malpractice action in court against a health care provider subject to the provisions must, file a request for mediation. The claimant and the health care provider are required to participate in mediation of the claim. Mediation costs are paid by the mediation fund, which is financed from filing fees paid by claimants and annual assessments paid by health care providers subject to the health care liability provisions.

This bill allows health care providers that are subject to the health care liability provisions of the statutes to elect not to be subject to the provisions for a fiscal year

